

[Mary Clark Document 1]

Mary Clark a woman of  
Colour (complainant)

Vs. } Appeal  
      } Copy accord

GW Johnston

Filed May 7<sup>th</sup> 1821

H.P. Coburn

Decided \_\_\_\_ 6<sup>th</sup>

1821

Pleas at Vincennes in the County of Knox &  
State of Indiana for the April Term  
in the Year of our Lord one thousand  
eight hundred and twenty one.  
Before the Honorable Jonathan Doty  
Presiding Judge. Henry Ruble  
& Mark Barnett Associate Judges in  
and for said County of Knox.

Mary a woman of Colour called Mary Clark	}	Petition
Against		
General W. Johnston		

Be it Remembered that on this thirteenth  
of April in the Year of our Lord one thousand  
eight Hundred & twenty one, the said Mary Clark  
filed her petition by Amory Kinney her Attorney  
which said petition is in the following words and  
figures to wit:

Ptn –	“State of Indiana	}	Circuit Cour[t] April Term
	“Knox County 1 <sup>st</sup>		AD 1821
	To the Honorable Judges of said Court		
	“the petition of Mary a woman of colour commonly		
	“called Mary Clark humbly sheweth [sic] that Your petitioner		
	“is holden [sic] as a slave in said County by General		
	“W. Johnston without any just or Legal claim contrary		
	“to Law and to the manifest wrong and injury of		

“Your petitioner who therefore prays that a writ of  
 “Habeas corpus may be directed to the G.W. Johnston  
 “requiring him to bring Your petitioner forth with before  
 “Your Honour in said Court to shew [sic] cause why  
 “he thus detains her & your petitioner as is duly bound  
 “Will ever pray

Mary Clark by A. Kinney  
 her Attorney

April 13<sup>th</sup> 1821

Habeas Corpus { “State of Indiana  
Knox County 1<sup>st</sup> Cir:~ Co:~ April Term 1821

The Judges of said Court now in Se[ss]ion to  
 “General W. Johnston of said County. Greeting: \_\_\_\_\_  
 “You are hereby required forth with to bring  
 “before us at the Court House in said county  
 “at 10 Oclock A.M. on the fourteenth Instant  
 “Mary a woman of colour commonly called  
 “Mary Clark said to be illegally held in your  
 “custody together with the day and cause of her  
 “caption and detention to do, submit to and receive  
 “whatsoever the said court shall award and determine  
 “in the \_\_\_\_\_ concerning her, given under our  
 “hands and seals at the court house in said  
 “county this 13<sup>th</sup> day of April in the year of our  
 “Lord, Eighteen Hundred and twenty one.

J. Doty Pres 1<sup>st</sup> Jud. Cir.

H. Ruble &  
Mark Barnett } Associates



And on the said return of the aforesaid writ Here  
Came the said General W. Johnson and says  
“In Obedience to the above command I do hereby certify  
“and return to the Honorable the Circuit Court  
“of Knox County, that I have in my custody the  
“body of the above named Mary a woman of colour  
“called Mary Clark, and that I do detain her  
“in consequence of a purchase made by me from  
“Benjamin I. Harrison (for the sum of three hundred and  
“fifty dollars secured to him by my notes of hand)  
“and the annexed emancipation executed by said  
“Harrison to the said Mary & Her Indentures  
“(Hereto also annexed) to my self for the term of  
“Twenty years from the time of their execution, towit [sic], the  
“24<sup>th</sup> October A.D. 1816. The time when the said purchase,  
“Emancipation & Indentures were made & executed.  
“Which is the cause of the said Mary’s caption & detention;  
“and which I humbly conceive are sufficient in law  
“to entitle me to her services until the expiration of her  
“said Indentures: Wherefore \_\_\_\_ Gen. W. Johnston....

“Vincennes            }  
“April 14<sup>th</sup> 1821

The following a copy of the Emancipation  
which is attached to the foregoing return towit [sic]:

“Whereas I Benjamin I. Harrison in the Year one  
“thousand eight hundred and fourteen, purchased  
“a Negro woman called and names Mary, in  
“the State of Kentucky as a slave – And in the  
“month of January A.D. One thousand eight hundred &

“Fifteen brought her to the Indiana Territory and  
“took upon and from her an Indenture of servitude  
“for thirty years; Which Indenture by consent of the  
“said Mary, I have now destroyed and effectually  
“cancelled. And do hereby \_\_\_\_\_, liberate & let  
“free, and by presents have \_\_\_\_\_,  
“liberated & set free from any and all claim or claims  
“of slavery and servitude of any kind, the said  
“Mary not only now but forever hereafter. In Witne[ss]  
“whereof, I have hereunto set my hand & seal at Vincennes  
“this 24<sup>th</sup> of October A.D. 1816

B.I HARRISON



“Signed sealed and  
“Delivered in presence of }  
E. Stout  
her

“Francoise Theriacque  
mark

Also is announced to said return the

Following Indenture towit:



Indent.<sup>a</sup>

“This Indenture Witne[ss]eth, That Whereas  
“Benjamin I. Harrison purchased me Mary (a  
“woman of colour) in the state of Kentucky in the Year  
“1814. As a slave for life; and in the month  
“of January 1815, brought me to Vincennes in the  
“Indiana Territory – Where I executed to him  
“an Indenture of Servitude upon myself for the  
“Term of Thirty years. And Whereas the said  
“Ben. J. Harrison by my request has this day,  
“the date of those present, cancelled, annulled

“& destroyed the said Indentures; and has further,  
“by his Act, duly executed & acknowledged and  
“delivered to me in presence of the witne[ss]es hereto,  
“\_\_\_\_ and set me free from Slavery and  
“servitude. Now be it known unto all who  
“may see these presents, that I the said Mary  
“a free woman of colour, of my own free will  
“& accord, and for a valuable consideration and  
“for and in consideration of the stipulations & agree-  
“ments herein after mentioned on the part of  
“General W. Johnston of Vincennes in Indiana, have  
“put, placed and bound myself, and by these  
“presents Do put, place & bind myself as and in  
“quality of an Indented Servant and House maid  
“to the said General W. Johnston his heirs, Exec~  
“\_\_\_\_: and a[ss]igns for and during the term and  
“time of Twenty Years next ensuing from the day  
“of the date hereof, to be fully complete and ended.  
“During all which term of time she the said Mary  
“her said Master, his heirs, Executors & \_\_\_\_: &  
“A[ss]igns shall and will well and faithfully  
“serve in all things appertaining to the duty  
“of a good, sober, virtuous and industrious servant  
“and House maid. And the said General  
“W. Johnston for himself his heirs, Exec~: \_\_\_\_~:  
“and a[ss]igns doth hereby covenant grant and  
“agreed to & with the said Mary that He shall

“and will find, provide and allow unto her, during  
“all her aforesaid term of servitude, good and wholesome  
“meat, drink, lodging, washing and apparel both  
“linen & woolen, fit and convenient for such  
“a servant; And upon the expiration of her Term  
“of servitude, she serving out her present Indentures  
“faithfully, give unto her one suit of new  
“clothes (not to exceed however in value Twenty  
“Dollars) and also one flax wheel.

In Witness; Whereof the said Servant  
“& the said Master have hereto set their hands  
“and affixed their seals at Vincennes This 24<sup>th</sup>  
“day of October Ano Domini One Thousand  
“eight hundred & sixteen.

“Sealed & ack-	}	The mark of	
“nowledged In		Mary X a free woman of colour.	
“presence of	}	Gen. W. Johnston	
E. Stout			
her			
“Francoise Theriacque			
mark			
“Indiana	}	1st	
“Knox County			

Be it remembered that on  
“this day, the Twenty fourth day of October  
“in the Year of Our Lord, One thousand

“eight Hundred and Sixteen, Before me the  
“subscriber a Justice of he Peace in and  
“for said County, personally cause the within  
“Named woman of colour, named Mary,  
“And acknowledged (upon having the full  
“of the within and foregoing Indenture made  
“known to her) That she did freely sign &  
“seal and as her voluntary act & deed  
Deliver the same. And the said General  
“W. Johnston also acknowledged the same.  
“And they both desired, if nece[ss]ary, that  
“the same might be recorded as such.

“In Testimony whereof; I have hereunto  
“set my hand & seal, the date above.

E.Stout

Xxxx



And after Argument of council and the Court having  
Examined the return of Gen. W. Johnston and papers  
Thereto annexed are of Opinion that the said  
Mary Clark a woman of colour be remanded  
Back to the said Genl. W. Johnston her master  
And that she serve out the time mentioned  
In the Indenture which the Defendant holds  
On her and on motion ordered that the  
Said G.W. Johnston do recover of of [sic] the present  
Applicant Mary Clark his costs and charges  
By him about his defense in this behalf



Expended, & the said Applicant in mercy &  
From which opinion & Decision of the Court the  
Applicant by Amory Kinney her Attorney prayed  
an appeal to the supreme Court of this state  
and by consent of the Defendant he wishing  
to have a final decision security is Dispenced [sic]  
with and an appeal granted.

State of Indiana     }  
Knox County

I, John D. Early deputy Clerk of  
of the Knox Circuit Court for Robert \_\_\_\_\_  
Clerk of said Court in and for said County  
of Knox Do certify that the foregoing is a  
true transcript of the record papers filed  
in the foregoing cause

In Testimony, Whereof I have  
Hereunto set my hand and  
affixed the Seal of   aid  
Court at Vincennes the Twenty  
First day of April in the  
Year of our Lord, one thousand  
eight Hundred And twenty one

John D. Early

## Adjustment of Errors

The appellant says there is manifest error in this to wit  
That the Court ^below erred in giving judgt~ for this appellee  
When it should have been for the appellant.

C. Dewey for appellant

The appellee says that is the word

Call for appellee

[End Document 1]

